

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRAVIS DORVIT, Derivatively on Behalf of
POWER SOLUTIONS INTERNATIONAL,
INC.,

Plaintiff,

v.

GARY S. WINEMASTER, KENNETH
WINEMASTER, ERIC A. COHEN, DANIEL
P. GOREY, JAY HANSEN, ELLEN R.
HOFFING, KENNETH LANDINI, MICHAEL
P. LEWIS, and MARY VOGT,

Defendants,

-and-

POWER SOLUTIONS INTERNATIONAL,
INC., a Delaware corporation,

Nominal Defendant.

Case No. 1:17-cv-01097

Hon. Judge Thomas M. Durkin

**NOMINAL DEFENDANT POWER SOLUTIONS INTERNATIONAL, INC.'S
UNOPPOSED MOTION FOR REASSIGNMENT AND CONSOLIDATION**

Pursuant to Federal Rule of Civil Procedure 42 and Local Rule 40.4, Nominal Defendant Power Solutions International, Inc. ("PSI"), respectfully moves to reassign *Martin v. Winemaster*, No. 1:18-cv-02386 (N.D. Ill., filed on Apr. 3, 2018) ("*Martin*") to this Court and consolidate it with the above-captioned case ("*Dorvit*"). A review of the two complaints shows that both cases raise some of the same issues of law and fact: *Martin* and *Dorvit* arise from the same allegations regarding revenue-recognition matters; the plaintiff in *Martin* alleges substantially the same claims (breach of fiduciary duties and unjust enrichment) as the plaintiff in *Dorvit*; both purport to bring

these claims derivatively on behalf of the same nominal defendant, PSI; and Martin brings this action against a group of defendants that includes the same individuals named as defendants in *Dorvit*. Compare *Dorvit* Compl. ¶¶ 11–20, 77–84 (ECF No. 1) with *Martin* Compl. ¶¶ 20–33, 111–17, 122–25 (ECF No. 1). Indeed, on the Civil Cover Sheet to his complaint, Martin himself confirmed the substantial overlap in the two cases by designating *Dorvit* as a related case. See *Martin*, ECF No. 2 at 1. Reassignment of *Martin* to this Court is also likely to “result in a substantial saving of judicial time and effort,” L.R. 40.4(b)(2), and both *Martin* and *Dorvit* are “susceptible of disposition in a single proceeding,” L.R. 40.4(b)(4). Thus, as explained in the accompanying memorandum of law, *Martin* should be reassigned to this Court and consolidated with *Dorvit* under Federal Rule 42 and Local Rule 40.4(a).

Prior to filing this motion, the Company’s counsel conferred with Plaintiffs’ counsel in both *Martin* and *Dorvit*, who indicated that they have no objection to the *Martin* action being transferred to this Court, nor did *Dorvit*’s counsel have any objection to the consolidation of the *Dorvit* action with the *Martin* action. Martin’s counsel stated that they had no objection to proceeding in a coordinated fashion with the *Dorvit* action, but that they reserved their rights with regard to how the coordination of the actions should be addressed by the Court.

WHEREFORE, PSI respectfully requests that the Court reassign *Martin* to the Honorable Thomas M. Durkin and consolidate *Martin* and *Dorvit* for all purposes going forward.

Dated: May 30, 2018

Respectfully submitted,

By: Benjamin I. Friedman

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International, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2018, I electronically filed the foregoing document with the clerk of the court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Benjamin I. Friedman
Benjamin I. Friedman